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David L. Parker

#19
8/19/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Yang, et al.

Serial No.: 09/434,313

Filed: October 25, 1999

For: ETHYLENEDICYSTEINE (EC)-DRUG
CONJUGATES, COMPOSITIONS AND
METHODS FOR TISSUE SPECIFIC
DISEASE IMAGING

Group Art Unit: 1619

Examiner: Jones, D.

Atty. Dkt. No.: UTXC:627

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DECLARATION

We, David J. Yang, Chun-Wei Liu, Dongfang Yu and E. Edmond Kim, hereby declare as follows:

1. We are joint inventors of the subject matter disclosed and claimed in the referenced patent application.
2. We understand that the Patent and Trademark Examiner has found that certain of the claimed subject matter of the referenced application is anticipated by two different abstract publications of Yang *et al.*, including *J. Labeled Compd. Radiopharm.*, 44:S513-S514, 1999 and *Proc. Am. Assoc. Can. Res.*, 40:259, Abstract 1720, 1999.

3. We are submitting this declaration to set forth evidence demonstrating that the authors of the foregoing articles that were not named as inventors did not, in fact, make an inventive contribution to the subject invention.

4. With respect to the first above-mentioned Yang *et al.* abstract, the authors that were not named as inventors were S. Ilgan, S. Zakko, J. Boulfelfel, H. Shamsi, L. W. Tansey, F. Zare and D. A. Podoloff. None of these individuals made an inventive contribution to the subject matter of the claims. S. Ilgan conducted animal imaging and autoradiographic studies. S. Zakko involved in interpreting animal data prior to human use. J. Boulfelfel, a physicist, involved in dosimetry calculation. H Shamsi assists in radiochemistry formulation. L. W. Tansey carried out chromatographic analysis of labeled agents. F. Zare assisted in animal biodistribution studies. D. A. Podoloff assisted arrangement of equipment needs. Each of these individuals operated under the direction of one or more the inventors with respect to the studies that that individual carried out and did not contribute conceptually to the subject matter of the invention.

5. With respect to the second Yang *et al.* abstract, the authors that were not named as inventors were S. Ilgan, F. Zareneyrizi, and D. A. Podoloff. None of these individuals made an inventive contribution to the subject matter of the claims. S. Ilgan conducted animal imaging and autoradiographic studies. F. Zareneyrizi assisted in animal preparation and animal imaging studies. D. A. Podoloff assisted in the interpretation of animal data prior to human use. Each of these individuals operated under the direction of one or more the inventors with respect to the studies that that individual carried out and did not contribute conceptually to the subject matter of the invention.

6. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made

with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: 3/12/03

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